

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

March 7, 2005
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 1 - Cindy Swenson was excused from the meeting.

Also present were Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Proposed additions to the agenda included discussion of a forensic skilled nursing home.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of February 22, Municipal Utilities Commission Minutes of February 28, Rice Hospital Board Minutes of March 2, Building Inspection Report for February, Willmar Police Commission Minutes of February 7, and Zoning Appeals Board Minutes of February 28, 2005. Council Member DeBlieck seconded the motion, which carried.

At 7:06 p.m. Mayor Heitke opened the hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. City Clerk Halliday presented details of the petition of Duininck Bros. Inc. to annex 117.98 acres of land for improvements, platting, and commercial development in the Southeast corner of the City. The request was reviewed by the Planning Commission. Mr. Halliday stated that the petitioner requested that the matter be tabled after conducting the public hearing due to unresolved issues with County Ditch 23, which was being reviewed by the County Board of Commissioners. Mr. Harris Duininck was present to discuss the future commercial development of the area. Mr. Jeff Pattison, representing the Kandi Entertainment Center, appeared to voice concerns regarding their eventual annexation into the City and the current City liquor regulations that adversely impact them. Mr. Pattison also voiced concerns over the potential assessment of the improvements on 5th Street Southeast. Upon hearing from all those who wished to be heard, Mayor Heitke closed the hearing at 7:19 p.m.

Council Member Reese offered a motion to table the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member Christianson seconded the motion, which carried.

Mike Nitchals, General Manager of the Willmar Municipal Utilities, presented to the Mayor and Council a proposal for the purchase of five megawatts of electricity from a new power plant under design in Milbank, South Dakota. The Central Minnesota Municipal Power Agency (CMMPA) is one of six power utilities proposing to construct a new 600 megawatt coal-fired power plant called Big Stone #2. The proposal is to purchase five megawatts of electricity for 30 years at an estimated priced that is competitively priced but not a firm price due to bids for construction are not yet completed. The Power Supply Agreement defined the participation regulations in the project. Mr. Nitchals was requesting the Council consider a resolution approving the CMMPA Power Sales Agreement subject to the subsequent approval of the Willmar Municipal Utilities Commission.

Following discussion, Resolution No. 1 was introduced by Council Member DeBlieck, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of

Ayes 7, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, (hereinafter referred to as "City") as follows:

Section 1: It was previously determined that it was in the best interest of the City to utilize the resources and services of the Central Minnesota Municipal Power Agency (hereinafter "CMMPA") through purchases and sales of electrical energy and capacity, negotiation of contracts, planning including base load power needs studies, transmission arrangements and engineering and technical assistance.

Section 2: The City now wishes to properly update and supplement its relationship with CMMPA and also authorize the City's participation in the following project:

Big Stone City Power Plant #2 (BSP2) under the auspices of the Ottertail Power Company.

Section 3: The City does hereby approve the Power Sales Agreement with the Central Minnesota Municipal Power Agency and its participation in the project identified above and the financing thereof, if any.

Section 4: The Resolution of the Willmar Municipal Utilities Commission with the Power Sales Agreement attached thereto as Exhibit A is hereby approved and appended hereto, subject to final approval of the Commission.

Section 5: The CMMPA Power Sales Agreement is hereby approved in the form presented at this meeting together with such necessary modifications and amendments as are approved by the City Attorney. The Mayor is hereby authorized and directed to execute such Power Sales Agreement for and on behalf of the City, the same to be exclusively evidenced by such execution and the City of Willmar is hereby authorized and directed to affix thereon the seal of the City and to attest thereto.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for February 28, 2005, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 The Committee reviewed an inventory list of Cooperative Service Agreements that the City has with non-profit and governmental agencies. The agreements range from a \$1.00 lease with the Civil Air Patrol to more complex Joint Power Agreements with the County, School and Municipal Utilities. There were a total of 84 agreements the Council is able to consider to save costs for future services. This matter was received for information only.

Item No. 2 The Committee reviewed preliminary cost estimates for the 2005 Street Improvement Projects. Following discussion, the Committee was recommending the Council pass a resolution to increase the 0505 preliminary budget by \$200,000 for a total budget of \$434,000.

Resolution No. 2 was introduced by Council Member Dokken, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

2005 SIGNAL IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Salaries Temp. Employees	\$1,000.00	County	\$179,650.00
TOTAL	\$1,000.00	State (State Aid)	\$209,350.00
		Developer	\$45,000.00
SUPPLIES		TOTAL	\$434,000.00
Office Supplies	\$500.00		
Motor Fuels & Lubricants	\$1,000.00	FINANCING	
Postage	\$1,000.00	Bonds	\$45,000.00
Mtce. Other Improvements	\$2,000.00	State (State Aid)	\$209,350.00
General Supplies	\$1,500.00	TOTAL	\$434,000.00
TOTAL	\$6,000.00		
		GRAND TOTAL	\$434,000.00
OTHER SERVICES			
Printing & Publishing	\$1,000.00		
Mtce. of Other Impr.	\$364,250.00		
Other Services (contingencies)	\$20,000.00		
TOTAL	\$385,250.00		
OTHER CHARGES			
Insurance & Bonds	\$1,500.00		
Prof. Serv. (SEH)	\$29,700.00	Project Description:	
Adm. OH (Transfer)	\$10,550.00	Lakeland Drive/Willmar Ave	\$200,000
TOTAL	\$41,750.00	5 th Street/Willmar Ave	\$164,250
GRAND TOTAL	\$434,000.00		

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee further recommended the Council pass a resolution to set the 0501 preliminary budget at \$6,925,500. Resolution No. 3 was introduced by Council Member Dokken, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

PRELIMINARY 2005 IMPROVEMENTS BUDGET

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$680,900.00
Salaries Temp. Employees	\$6,000.00	City (MUC)	\$60,000.00
Pension Contr.	\$1,500.00	State (State Aid)	\$746,600.00
TOTAL	\$8,000.00	City (WTP)	\$35,000.00
		City (2004 Transfer)	\$70,000.00
SUPPLIES		Developer	\$4,830,000.00
Office Supplies	\$1,500.00	City (Utility fee)	\$203,000.00
Small Tools	\$2,000.00	City (CIF)	\$300,000.00
Motor Fuels & Lubricants	\$1,000.00	Other	\$6,925,500.00
Postage	\$2,000.00		
Mtce. of Other Improvements	\$2,000.00		
General Supplies	\$3,500.00	GRAND TOTAL	\$6,925,500.00
TOTAL	\$12,000.00		
OTHER SERVICES			
Mtce. of Other Impr.	\$5,328,000.00		
Other Services (Contingency)	\$926,000.00		
TOTAL	\$6,254,000.00		
OTHER CHARGES			
Insurance & Bonds	\$1,500.00		
Prof. Serv.	\$150,000.00		
Adm. OH (Transfer)	\$300,000.00		
Other Charges	\$200,000.00		
TOTAL	\$651,500.00		
GRAND TOTAL	\$6,925,500.00		

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed an invoice from Kandiyohi County for 2004 Election Services. Following discussion, the Committee was recommending the Council pass a resolution to increase the 2005 Election Budget by \$2,850 to cover additional 2004 costs.

Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund – Election Budget as follows:

Increase:	Election Department	\$2,850.00
Decrease:	Fund Balance	\$2,850.00

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed the following reports: 2004 Rice Trust and Community Foundation, January Rice Trust and the January 31 Investment List. This matter was for information only.

The Finance Committee Report for February 28, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for March 1, 2005, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee reviewed a proposed engineering services agreement to define the Wastewater Program in terms of scope and critical path schedule. The agreement would also develop a Wastewater Program Guidance Document to guide the City and Donohue through all facets and phases of the Wastewater Treatment Plant Relocation Project. Staff will be working with Donohue staff to further define scope of services and anticipate the estimated cost for this part to be in the range of \$25,000 to \$30,000.

The Committee was recommending the Council approve the agreement for time and materials with a not-to-exceed cost of \$30,000, and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, and read by Mayor Heitke. Following discussion, Council Member Reese moved to amend the not-to-exceed cost to \$38,000 with Council Member Christianson seconding the motion, which carried. The Resolution as amended then carried on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

Whereas the City of Willmar desires to retain a firm to provide program management services to define the terms of scope and critical path schedule for the development of facets and phases of the Wastewater Treatment Plant Relocation Project; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Donohue & Associates of Sheboygan, Wisconsin in a not to exceed amount of \$38,000.00 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Pursuant to the prior Council meeting having less than the required number of Council Members in attendance to order an improvement project, Council Member Christianson offered a motion to remove from the table the Resolution Ordering 2005 Street and Other Improvements. Council Member Dokken seconded the motion, which carried. City Clerk Halliday read for the record the tabled Resolution. Following discussion, Resolution No. 6 which had been introduced on February 22, 2005, by Council Member Christianson and seconded by Council Member Fagerlie, carried on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

ORDERING 2005 STREET AND OTHER IMPROVEMENTS (AND DIRECTING PREPARATION OF FINAL PLANS AND SPECIFICATIONS)

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed, and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2005 Street and Other Improvements.
3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.
4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 2 The Committee reviewed a map indicating areas proposed for crack sealing during the 2005 construction season. Quotes are to be received March 18, 2005, and estimated at \$25,000. Upon review of the project, the Committee was recommending the Council approve the request for quotes as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which

carried.

The Committee also reviewed a map showing areas proposed for seal coat improvements. Quotes will also be opened March 18, 2005, with an estimated cost of \$35,000. The Committee was recommending the Council approve the request for quotes as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 3 The Committee considered a proposed agreement with Short Elliott Hendrickson (SEH) for engineering services to design and construct a traffic signal system at the proposed new intersection of Willmar Avenue and 5th Street SE. The services cover a signal justification report, traffic counts, signal system design, 5th Street/19th Avenue SE future signal work, and construction services. The total amount of the agreement is \$15,700 with the possible deduction of \$1,200 if the City can use current traffic counts at 4th Street and Willmar Avenue SE.

The Committee was recommending the Council approve the agreement as presented and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

Whereas the City of Willmar desires to retain a consultant to provide professional engineering services to design and provided limited construction services for a signal system at the intersection of Willmar Avenue SE and 5th Street SE for the City of Willmar; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Short Elliott Hendrickson Inc. of St. Paul, Minnesota in a not to exceed amount of \$15,700.00 plus reimbursables for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the City Administrator be authorized to execute the same.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed a proposed construction agreement with Kandiyohi County to split the construction contract items and contingencies for the installation of the signal system at Willmar Avenue and 5th Street SE. The City will pay 100 percent of the design and construction engineering and 64 percent of construction contract items and contingencies. The total estimated project cost is \$200,000, and the City's share is estimated to \$130,350.00.

The Committee was recommending the Council approve the agreement and authorize the Mayor and City Administrator to sign on behalf of the City. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

AUTHORIZATION TO EXECUTE
KANDIYOHI COUNTY COOPERATIVE CONSTRUCTION AGREEMENT

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Cooperative Construction Agreement between the City of Willmar and Kandiyohi County for construction of a traffic control signal system at the intersection of Willmar Avenue and 5th Street SE.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed a proposed Engineering Policy for Improvements in the Public Right-of-Way. The policy would stipulate the responsibilities of the City and the Developer in accordance with the Storm Water Ordinance and MPCA construction permit regulations and would be an attachment to the existing developer agreement.

The Committee was recommending the Council approve the policy as an attachment to all developer agreements. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 6 Chief Kulset informed the Committee that the agreement with the Humane Society of Kandiyohi County was due to expire. Following discussion, the Committee was recommending the Council adopt a resolution authorizing the Mayor and City Administrator sign an agreement on behalf of the City with the Humane Society of Kandiyohi County for care and disposition of impounded animals.

Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0, Council Member Gardner abstained from voting.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into an Agreement with the Humane Society of Kandiyohi County to provide for the impounding of stray animals.

Dated this 7th day of March, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report for March 1, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Steve Renquist, City/County Economic Development Executive Director, appeared before the Mayor and Council to present details of \$12.6 million placed in the State of Minnesota Budget for a Forensic Skilled Nursing Home. The proposed home would be a 50-bed nursing home to provide services to individuals committed as sexual psychopathic personalities, sexually dangerous and people committed as mentally ill and dangerous who would require skilled nursing home services. The lockdown facility would bring between 100 and 110 reasonably well-paid jobs to the area. Mr. Renquist had been in contact with the Department of Health and Human Services and State Operating Division personnel with regards to the WRTC serving as a site for the proposed home.

Following discussion, Resolution No. 10 was introduced by Council Member Anderson, seconded by Council Member Christianson, read by Mayor Heitke, and approved on roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 10

REQUEST FOR CONSIDERATION FORENSIC NURSING HOME

WHEREAS, the State of Minnesota, Department of Human Services, has included in the 2005 State Appropriation Request funding necessary to plan, design and construct a secure skilled nursing home facility for the State-operated Services Forensics Division, and

WHEREAS, the Willmar Regional Treatment Center both physically and in terms of personnel, Kandiyohi County and area medical and mental health facilities have ample capacity to fulfill all State requirements in the most expeditious and cost-effective manner, and

WHEREAS, the Willmar Regional Treatment Center site offers the Department of Human Services the cost saving advantages of a locally provided correctional staff, the offer of an available governmental food service, the utilization of a local governmentally-owned emergency generator and local access to a state-of-the-art hospital.

THEREFORE BE IT RESOLVED, that the governing board of the City of Willmar directs City staff and the Kandiyohi County and City of Willmar Economic Development Commission to contact the State of Minnesota Department of Human Services. They are directed to suggest that the Willmar Regional Treatment Center is a superior site for the proposed Forensic Nursing Home Facility and urge its selection.

BE IT FURTHER RESOLVED, that the Department of Human Services conducts informational public meetings in the City of Willmar to address citizen questions concerning the project and the administration of the facility.

Dated this 7th day of March, 2005.

/s/ Lester Heitke

/s/ Kevin Halliday
Attest: CITY CLERK

MAYOR

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